

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Carl Williams,

Plaintiff,

vs.

Thomas Skerl, Jr., and Creative  
Landscapes, LLC,

Defendants.

Case No.: 4:24-cv-5881-JD

**COMPLAINT  
(JURY TRIAL DEMANDED)**

The Plaintiff, Carl Williams (hereinafter styled “Plaintiff”), brings this Complaint against Thomas Skerl, Jr. (hereinafter styled “Defendant Skerl”) and Creative Landscapes, LLC (hereinafter styled “Defendant Creative Landscapes”; hereinafter, collectively styled “Defendants”) based upon the allegations set forth below:

**FACTS, PARTIES, JURISDICTION, & VENUE**

1. Plaintiff is a citizen and resident of the state of Virginia.
2. At all times relevant to this action Defendant Skerl was a citizen and resident of the state of South Carolina.
3. At all times relevant to this action, Defendant Creative Landscapes was a corporation organized and existing under the laws of the State of South Carolina with its principal office in Murrells Inlet, South Carolina.
4. Because Plaintiff is a citizen and resident of Virginia, Defendant Skerl is a resident of the state of South Carolina, and Defendant Creative Landscapes is organized and existing under the laws of the South Carolina, with its principal place of business in South Carolina, there is complete diversity of the parties.

5. This controversy stems from a wreck involving Defendant Skerl, as an employee and/or agent of Defendant Creative Landscapes, and the late Michael Hanchulak (hereinafter “Michael”), which occurred on May 23, 2024 in Myrtle Beach, South Carolina. Plaintiff was a passenger in Michael’s vehicle—an open air, jeep wrangler.
6. Defendant Skerl was speeding as Michael was approximately halfway through a left-hand turn. Due to the high rate of speed, Defendant Skerl collided with the rear of Michael’s jeep with great force.
7. As a result of the crash, Plaintiff sustained severe injury.
8. The collision occurred in Horry County, South Carolina.
9. Defendant Skerl was acting as an employee and/or agent of Defendant Creative Landscapes at the time of the collision.
10. Defendant Creative Landscapes is liable for Defendant Skerl’s actions that contributed to the collision under the doctrine of respondeat superior.
11. Defendants are jointly and severally liable for the acts and/or omissions committed and alleged in this Complaint.
12. By reason and in consequence of the Defendants’ aforesaid acts and/or omissions, Plaintiff sustained past, present, and future damages, including but not limited to:
  - a. expenses for medical services;
  - b. lost enjoyment of life;
  - c. physical pain and suffering;
  - d. mental anguish; and
  - e. such other particulars as may be found through discovery or trial.

13. Because of the severe nature of the injuries sustained by Plaintiff, the amount in controversy exceeds \$75,000.00.
14. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §1332.
15. This Court also has personal jurisdiction over Defendants because Defendant Creative Landscapes operates in South Carolina and its agents use the interstates and highways of the state of South Carolina to conduct Defendant Creative Landscapes' business.
16. Venue is proper in this Court because the collision between Defendants' truck and the vehicle wherein Plaintiff was a passenger occurred in Horry County, South Carolina.

**FIRST CAUSE OF ACTION**  
**(Negligence/Gross Negligence/Recklessness/Negligence *Per Se*)**

17. Plaintiff incorporates all allegations of the preceding paragraphs into this cause of action.
18. Defendant Skerl was negligent, careless, reckless, negligent *per se*, and/or grossly negligent in at least one of the following ways:
  - a. choosing to drive too fast for conditions;
  - b. choosing not to keep his vehicle under proper control;
  - c. choosing not to keep a proper lookout;
  - d. choosing to drive distracted;
  - e. choosing not to use the degree of care and caution that a reasonably prudent commercial truck driver would use under the circumstances; and
  - f. in such other particulars that may be found through discovery or trial.
19. Defendant Creative Landscapes was negligent, careless, reckless and/or grossly negligent in at least one of the following ways:
  - a. choosing not to adequately train personnel;

- b. choosing to retain unqualified, unsafe personnel;
- c. choosing to have Defendant Skerl drive in the furtherance of their business despite a long history of driving violations; and
- d. in such other particulars as may be found thorough discovery or trial.

20. By reason and in consequence of the Defendants' aforesaid acts and/or omissions, Plaintiff sustained serious damages, outlined in this Complaint and incorporated into this cause of action.

WHEREFORE, Plaintiff prays as follows: (a) that Plaintiff recover a judgment against Defendants in the amount sufficient to compensate for actual damages; (b) that Plaintiff recovers a judgment for an amount of punitive damages as authorized by law; (c) that Plaintiff recovers all costs associated with this action; and (d) that Plaintiff recovers such other relief as the Court may deem just and proper.

Respectfully submitted,

**LAW OFFICE OF KENNETH E. BERGER, LLC**

s/ *Kenneth Berger*

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October 15, 2024  
Columbia, South Carolina